BS

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/693,840	10/23/2000	David Arsenault	06975-063001	8612

26171   7590   05/28/2004

FISH & RICHARDSON P.C.
1425 K STREET, N.W.
11TH FLOOR
WASHINGTON, DC 20005-3500

EXAMINER
MAURO JR, THOMAS J

ART UNIT	PAPER NUMBER
2143	10

DATE MAILED: 05/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO 90C (Rev 10/03)

	Application No.	**Applicant(s)**
Office Action Summary	09/693,840	ARSENAULT, DAVID
	Examiner	**Art Unit**
	Thomas J. Mauro Jr.	2143

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _05 March 2004_.

2a)☒ This action is **FINAL.**   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _7-11,18-22 and 29-72_ is/are pending in the application.

  4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _7-11,18-22 and 29-72_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _05 March 2004_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

  a)☐ All   b)☐ Some * c)☐ None of:

  1.☐ Certified copies of the priority documents have been received.

  2.☐ Certified copies of the priority documents have been received in Application No. _____.

  3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

  * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1.   This action is responsive to the amendment (Paper # 9) filed on March 9, 2004. Claims

7-11, 18-22 and 29-33 remain pending. Claims 1-6, 12-17 and 23-28 have been cancelled. In

addition, claims 34-72 are newly added.

2.   Claims 7-11, 18-22 and 29-72 are presented for further examination.

3.   The objection held against the drawings has been withdrawn.

Claim Rejections - 35 USC § 102

4.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed
> in the United States before the invention by the applicant for patent or (2) a patent granted on an application for
> patent by another filed in the United States before the invention by the applicant for patent, except that an
> international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this
> subsection of an application filed in the United States only if the international application designated the United
> States and was published under Article 21(2) of such treaty in the English language.

5.   Claims 7-8, 11, 18-19, 22, 29-30, 33 and 61-72 are rejected under 35 U.S.C. 102(e) as

being anticipated by Kraemer (U.S. 6,490,602).

        With respect to claim 7, Kraemer teaches a method of processing a browser request from

a browser executing on a computer, the method comprising:

intercepting the browser request from the browser executing on the computer **[Kraemer --**

-- Col. 2 lines 51-62 – Enhanced functionality server intercepts browser request];

when the browser request specifies a selected destination network resource **[Kraemer --**

Col. 2 lines 48-50 and lines 53-58 and Col. 3 lines 21-32 – Selected destination network

resources are independent sources, defined as independent retailers or vendors]:

splitting a display of the browser into at least two sections;

displaying the selected destination network resource in a first of the two sections;

and

displaying a toolbar in a second of the two sections **[Kraemer -- Figure 1B, Col.**

2 lines 63-67 and Col. 3 lines 17-20 – Browser display is divided into two sections,

one area to display the requested page contents and the other area to display a

toolbar].

With respect to claim 8, Kraemer further teaches determining whether the browser

request specifies the selected network resource **[Kraemer -- Col. 2 lines 48-50 and lines 53-58**

and Col. 3 lines 21-32 – Request is received by enhanced functionality server upon which a

determination is made to determine if request specifies a product webpage from an

independent source, i.e. retailer or vendor. Enhanced functionality server only provides

this service to product web pages, i.e. from vendors or retailers].

With respect to claim 11, Kraemer further teaches wherein the toolbar comprises shopping tools [**Kraemer -- Figure 1B and Col. 2 lines 63-67 – Col. 3 lines 1-8 – Toolbar contains services, such as "purchase this product" to assist customers**].

With respect to claims 18, 19 and 22, these are system processor claims corresponding to the method claimed in claims 7, 8 and 11. They have similar limitations; therefore, claims 18, 19 and 22 are rejected under the same rationale.

With respect to claims 29, 30 and 33, these are system claims corresponding to the method claimed in claims 7, 8 and 11. They have similar limitations; therefore, claims 29, 30 and 33 are rejected under the same rationale.

With respect to claim 61, Kraemer further teaches wherein the destination network resource specified by the browser request corresponds to a merchant web site [**Kraemer -- Col. 2 lines 48-50 and Col. 3 lines 21-32 – Destination resource specified in request is for a product web page from an independent source, i.e. vendor, retailer or merchant**].

With respect to claim 62, Kraemer further teaches wherein the toolbar comprises at least two segments [**Kraemer -- Figure 1B and Col. 2 lines 63-67 – Col. 3 lines 1-8 and Col. 3 lines 53-67 – Col. 4 lines 1-7 – Toolbar comprises multiple sections, i.e. segments, providing shopping services in one section, advertisements in another and also a field to jump to a different site in another section**].

With respect to claim 63, Kraemer further teaches wherein a first of the two segments comprise one or more of: a tool for selecting a shopping category; a tool for issuing a new browser request for a different destination network resource; a tool for obtaining customer service information; a tool for finding an appropriate merchant based on a user's shopping needs; or a tool for obtaining protection in the event of unfair treatment by a merchant **[Kraemer -- Figure 1B and Col. 3 lines 53-67 – Col. 4 lines 1-7 – Toolbar includes a tool for jumping to another site by entering a network resource]**.

With respect to claim 64, Kraemer further teaches wherein a second of the two segments comprise one or more of: a tool for accelerating business transactions with the merchant web site corresponding to the destination network resource specified by the browser request; a tool for determining one or more merchant web sites that a user has previously visited; a tool for issuing a request for a destination network resource that corresponds to a most recently visited merchant web site; or a tool for searching the merchant web site that corresponds to the destination network resource specified by the browser request **[Kraemer -- Figure 1B and Col. 2 lines 63-67 – Col. 3 lines 1-8 and Col. 3 lines 53-67 – Col. 4 lines 1-7 and lines 12-22 – Toolbar contains services to provide quick access to purchase products and to obtain information to facilitate future transactions for the customer]**.

With respect to claims 65-68, these are system processor claims corresponding to the method claimed in claims 61-64. They have similar limitations; therefore, claims 65-68 are rejected under the same rationale.

With respect to claims 69-72, these are system claims corresponding to the method claimed in claims 61-64. They have similar limitations; therefore, claims 69-72 are rejected under the same rationale.

Claim Rejections - 35 USC § 103

6.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7.   Claims 9-10, 20-21, 31-32 and 34-60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kraemer (U.S. 6,490,602) in view of Yedidia et al. (U.S. 6,564,243).

Regarding claim 9, Kraemer teaches the invention substantially as claimed, as aforementioned in claim 8 above, including determining a destination resource specified by the browser request **[Kraemer -- Col. 3 lines 21-40 – Browser request for product page is**

received and URL, i.e. destination resource, is parsed].

Kraemer fails to explicitly teach comparing the destination resource specified to a list of selected destination resources to determine if a match exists.

Yedidia, however, discloses a method of comparing the browser request for the specified resource to a list of pre-selected resources to determine if external content should be added **[Yedidia -- Col. 4 lines 30-32 and Col. 6 lines 25-37 – Request is checked against pre-configured addition policy to determine if external content is to be added based upon the destination resource specified].**

Both Kraemer and Yedidia are concerned with intercepting requests to network resources to provide additional resource functionality and content.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the comparing of a browser request for a specified resource to a list of pre-selected resources for determining if external content should be added, as taught by Yedidia into the invention of Kraemer in order to provide a fast and easy mechanism to determine if special instructions or enhanced functionality should be added based upon the destination resource specified.

Regarding claim 10, Kraemer-Yedidia teach the invention substantially as claimed, wherein when the browser request specifies a selected destination network resource, the method further comprises directing the browser request to a server other than a destination server on which the selected destination network resource resides **[Yedidia -- Col. 7 lines 48-54 – Destination network resource content is displayed by directing the original request to**

retrieve information using the proxy server rather than actually directing the request to the specified destination network resource server. Proxy server contains the selected destination network resource having already downloaded it to local storage device].

Regarding claims 20 and 21, these are system processor claims corresponding to the method claimed in claims 9 and 10. They have similar limitations; therefore, claims 20 and 21 are rejected under the same rationale.

Regarding claims 31 and 32, these are system claims corresponding to the method claimed in claims 9 and 10. They have similar limitations; therefore, claims 31 and 32 are rejected under the same rationale.

Regarding claim 34, Kraemer teaches a method of processing a browser request from a browser executing on a computer, wherein the browser request specifies a destination network resource residing on a destination server, the method comprising:

intercepting the browser request that specifies a destination network resource residing on a destination server **[Kraemer -- Col. 2 lines 51-62 – Enhanced functionality server intercepts browser request]**; and

processing the browser request at the other server, wherein processing the browser request comprises:

retrieving the destination network resource specified by the browser request **[Kraemer -- Col. 3 lines 33-39 – Specified network resource is retrieved]**;

splitting a display of the browser at the computer into at least two sections;

displaying the destination network resource specified by the browser request in a

first of the two sections; and

displaying a toolbar in a second of the two sections **[Kraemer -- Figure 1B, Col.**

2 lines 63-67 and Col. 3 lines 17 – Browser display is divided into two sections, one

area to display the requested page contents and the other area to display a toolbar].

Kraemer fails to explicitly teach determining whether the destination resource matches a selected

destination resource and directing the browser request for content to a server other than the one

specified within the request.

Yedidia, however, discloses a method of comparing the browser request for the specified

resource to a list of pre-selected resources to determine if external content should be added

[Yedidia -- Col. 4 lines 30-32 and Col. 6 lines 25-37 – Request is checked against pre-

configured addition policy to determine if external content is to be added].

In addition, Yedidia discloses directing the browser request to a server other than a destination

server on which the selected destination network resource resides **[Yedidia -- Col. 7 lines 48-54**

– Destination network resource content is displayed by directing the original request to

retrieve information using proxy server rather than actually directing the request to the

specified destination network resource server. Proxy server contains the selected

destination network resource having already downloaded it to local storage device].

Both Kraemer and Yedidia are concerned with intercepting requests to network resources to

provide additional resource functionality and content.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention

was made to incorporate the comparing of a browser request for a specified resource to a list of

pre-selected resources for determining if external content should be added along with directing

the browser request to a server other than a destination server to retrieve the requested content, as

taught by Yedidia into the invention of Kraemer in order to provide a fast and easy mechanism to

determine if special instructions or enhanced functionality should be added based upon the

destination resource specified and to further provide for faster content display by obtaining the

content locally from one server rather than having to be redirected to another server which adds

to the latency and wait time.

Regarding claim 35, Kraemer-Yedidia teach the invention substantially as claimed, as

aforementioned in claim 34 above, including:

determining the destination network resource specified by the browser request **[Kraemer**

-- Col. 3 lines 21-40 – Browser request for product page is received and URL, i.e.

destination resource, is parsed];

comparing the destination network resource specified by the browser request to a list of

selected destination network resources to determine if the destination network resource specified

by the browser request matches at least one of the selected destination network resources in the

list **[Yedidia -- Col. 4 lines 30-32 and Col. 6 lines 25-37 – Request is compared and checked**

against pre-configured addition policy to determine if external content is to be added based

upon the destination resource specified].

Regarding claim 36, Kraemer-Yedidia teach the invention substantially as claimed, as

aforementioned in claim 34 above, including wherein retrieving the destination network resource

specified by the browser request comprises retrieving the destination network resource specified

by the browser request from the destination server **[Yedidia -- Col. 7 lines 43-48 – Destination**

network resource can be retrieved by directing the request to the destination server where

the resource is stored].

Regarding claim 37, Kraemer-Yedidia teach the invention substantially as claimed, as

aforementioned in claim 34 above, including wherein retrieving the destination network resource

specified by the browser request comprises retrieving the destination network resource

specified by the browser request from a cache associated with the server other than the

destination server **[Yedidia -- Col. 7 lines 48-54 – Destination resource specified in request**

can be retrieved from proxy server which has the resource stored locally, i.e. cached].

Regarding claim 38, Kraemer-Yedidia teach the invention substantially as claimed, as

aforementioned in claim 34 above, including wherein the toolbar comprises shopping tools

[Kraemer -- Figure 1B and Col. 2 lines 63-67 – Col. 3 lines 1-8 – Toolbar contains services,

such as "purchase this product" to assist customers].

Regarding claim 39, Kraemer-Yedidia teach the invention substantially as claimed, as

aforementioned in claim 38 above, including wherein the destination network resource specified

by the browser request corresponds to a merchant web site **[Kraemer -- Col. 2 lines 48-50 and**

Col. 3 lines 21-32 – Destination resource specified in request is for a product web page from an independent source, i.e. vendor, retailer or merchant].

Regarding claim 40, Kraemer-Yedidia teach the invention substantially as claimed, as aforementioned in claim 39 above, including wherein the toolbar comprises at least two segments **[Kraemer -- Figure 1B and Col. 2 lines 63-67 – Col. 3 lines 1-8 and Col. 3 lines 53-67 – Col. 4 lines 1-7 – Toolbar comprises multiple sections, i.e. segments, providing shopping services in one section, advertisements in another and also a field to jump to a different site in another section]**.

Regarding claim 41, Kraemer-Yedidia teach the invention substantially as claimed, as aforementioned in claim 40 above including wherein a first of the two segments comprise one or more of: a tool for selecting a shopping category; a tool for issuing a new browser request for a different destination network resource; a tool for obtaining customer service information; a tool for finding an appropriate merchant based on a user's shopping needs; or a tool for obtaining protection in the event of unfair treatment by a merchant **[Kraemer -- Figure 1B and Col. 3 lines 53-67 – Col. 4 lines 1-7 – Toolbar includes a tool for jumping to another site by entering a network resource]**.

Regarding claim 42, Kraemer-Yedidia teach the invention substantially as claimed, as aforementioned in claim 40 above, including wherein a second of the two segments comprise one or more of: a tool for accelerating business transactions with the merchant web site

corresponding to the destination network resource specified by the browser request; a tool for

determining one or more merchant web sites that a user has previously visited; a tool for issuing

a request for a destination network resource that corresponds to a most recently visited merchant

web site; or a tool for searching the merchant web site that corresponds to the destination

network resource specified by the browser request [**Kraemer -- Figure 1B and Col. 2 lines 63-**

67 – Col. 3 lines 1-8 and Col. 3 lines 53-67 – Col. 4 lines 1-7 and lines 12-22 – Toolbar

contains services to provide quick access to purchase products and to obtain information to

facilitate future transactions for the customer].

Regarding claims 43-51, these are system processor claims corresponding to the method

claimed in claims 34-42. They have similar limitations; therefore, claims 43-51 are rejected

under the same rationale.

Regarding claims 52-60, these are system claims corresponding to the method claimed in

claims 34-42. They have similar limitations; therefore, claims 52-60 are rejected under the same

rationale.

Conclusion

8.   The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure.

- Pistriotto et al. (U.S. 6,138,162) discloses a method an apparatus for redirecting client requests to a caching proxy server based on a category ID.

9.   Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas J. Mauro Jr. whose telephone number is 703-605-1234. The examiner can normally be reached on M-F 8:00a.m. - 4:30p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on 703-308-5221. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TJM
May 25, 2004

DAVID WILEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100